

App. No. 10/062,167
Amendment mailed June 6, 2005
Re: Office Action mailed April 4, 2005

REMARKS

In response to the Office Action mailed April 4, 2005, the Applicant respectfully requests that the Examiner enter the above amendments and consider the following remarks. Claims 6 and 12 have been amended, and new claims 21 and 22 have been added. In addition, claims 9, 11, and 13-20 have been canceled. As a result, claims 1-8, 10, 12, 21, and 22 are still pending in the application. The Applicant respectfully requests further examination and reconsideration of the application in light of the amendments and accompanying remarks.

Rejection of Claims 6, 14, 19, and 20 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 6, 14, 19, and 20 under 35 U.S.C. § 102(b) as being anticipated by Ervin. In order to expedite the allowance of this application, the Applicant has amended claim 6 to include the allowable subject matter of claim 9, and claims 14, 19, and 20 have been canceled. As a result, the Applicant respectfully submits that the rejection of claims 6, 14, 19, and 20 under 35 U.S.C. § 102(b) is now moot. However, with regard to claim 19, it should be recognized that Ervin fails to teach or even suggest a fence assembly in which a single band secures multiple pickets to multiple rails.

Rejection of Claims 7 and 15-18 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 7 and 15-18 under 35 U.S.C. § 103(a) as being obvious over Ervin. The Applicant respectfully submits that claim 7 is allowable as being dependant from claim 6, which has been amended to include the allowable

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subject matter of claim 9 in order to expedite the allowance of this application. In addition, claims 15-18 have been canceled in order to expedite the allowance of this case. Therefore, the Applicant respectfully submits that the rejection of claims 7 and 15-18 under 35 U.S.C. § 103(a) has been rendered moot.

Allowable Subject Matter

The Applicant appreciates the Examiner's allowance of claims 1-5 and recognition that claims 8-13 include allowable subject matter. Accordingly, claim 6 has been amended to include the allowable subject matter of claim 9, and claims 11 and 13 have been rewritten as independent claims 21 and 22, respectively.

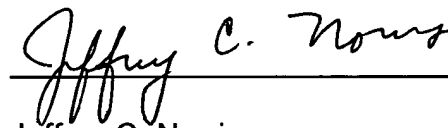
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Conclusion

The Applicant has amended the claims to take advantage of the allowable subject matter. Therefore, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

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